

FILED 06 MAY 11 12:32 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

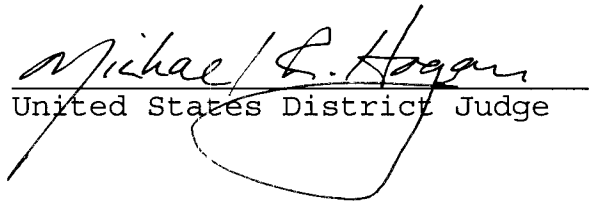
DALE WILLIAM MARTINEAU,)	
)	
Petitioner,)	Civil No. 06-104-HO
)	
v.)	<u>O R D E R</u>
)	
UNITED STATES PROBATION)	
DEPARTMENT)	
)	
Respondent.)	

Petitioner, an inmate at the Federal Correctional Institution at Sheridan, Oregon, brings this petition for relief pursuant to 28 U.S.C. § 2241. Petitioner asserts that a detainer alleging a probation violation issued in April of 2005 from the Central District of California violates his Fifth and Eighth Amendment rights. Petitioner seeks to have the detainer lifted. Respondent has notified the court that the warrant that created the detainer has now been recalled and that the detainer has been lifted. Accordingly, the petition is moot.

CONCLUSION

For the reasons stated above, petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is denied as moot. The United States Probation Department's motion to dismiss (#11) is granted and this proceeding is dismissed.

DATED this 10th day of May, 2006.


United States District Judge